IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4782 of 2002

with

SPECIAL CIVIL APPLICATION No 4789 of 2002

with

SPECIAL CIVIL APPLICATION No 4792 of 2002

with

SPECIAL CIVIL APPLICATION No 4798 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PANILI G I D C PULSE AND OILSEEDS GROWERS SALE-PURCHASE

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4782 of 2002

MR BS PATEL for Petitioner No. 1

MRS RANJAN B PATEL for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1-3
MR VC VAGHELA for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 01/12/2004

COMMON ORAL JUDGEMENT

1. In all these petitions the petitioners have challenged the order passed by the Registrar as well as by the State Government, whereby the registration granted to the petitioners is cancelled and the same is confirmed by the State Government in revisional jurisdiction. This Court, on 23.7.2002, while considering the matter for admission has passed the following order:

" Rule. Mr.Waghela waives service of rule on behalf of respondent No.4 and Mr.A.D.Oza, Ld. GP waives service of rule on behalf of respondent Nos 1 & 2. Direct service is permitted to respondent No.3.

2. By way of interim order operation of order, dated 6.4.02 passed by the State Govt and the order dated 22.12.2000 passed by the Additional Registrar are suspended."

As a consequence, all petitioners Societies have continued to function.

2. When the matters are taken up for final hearing today, Mr.Vaghela, learned Counsel appearing for respondent No.4 states before the Court that his client has no objection to the registration granted and if it is allowed to continue in favour of the concerned petitioners.

3. It appears that one of the major grounds considered by the Additional Registrar in appeal as well as by the State Government in revision was that no objection certificate is not obtained by the concerned petitioner Society from the existing society, respondent No.4 herein. In view of the aforesaid subsequent development and the declaration made on behalf of respondent No.4, it appears that the major ground on the basis of which the order was passed would survive. However, incidentally the other observations are also

made by the State Government in the impugned order while exercising revisional jurisdiction. Therefore, considering the circumstances and more particularly, in view of the aforesaid subsequent development, the impugned order passed by the Additional Registrar as well as by the State Government deserves to be quashed and set aside with the directions to the Additional Registrar to reconsider the appeal in light of the declaration made before this Court and in view of the subsequent development as recorded hereinabove.

4. Under the above circumstances, the impugned orders at Annexure "A" and "B" passed by the Additional Registrar (Appeals), Cooperative Societies and the State Government in revision are quashed and set aside with the further directions that the Appeals No.137/2002 to 140/2002 shall stand restored to file and the Additional Registrar (Appeals) shall reconsider the appeals in light of the aforesaid subsequent development recorded by this Court and in accordance with law and shall pass appropriate order as early as possible, preferably within a period of three months from the date of the receipt of the writ of this Court. The petitions are allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances, there shall be no order as to costs. Direct service is permitted.

1-12-2004 (Jayant Patel, J.)

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